

### **REMARKS**

Claims 7-11 are all the claims pending in the application. By this Amendment, Applicant editorially amends claims 7-11 to fix minor informalities and for improved conformity with US patent practice. The amendments to claims 7-11 do not narrow the literal scope of the claims and thus do not implicate an estoppel in the application of the doctrine of equivalents. By this Amendment, Applicant further adds claims 12 and 13, which are clearly supported throughout the specification.

#### **I. Preliminary Matters**

Applicant thanks the Examiner for indicating acceptance of the drawings filed on January 3, 2006. Applicant also thanks the Examiner for returning the initialed forms PTO/SB/08 submitted with the Information Disclosure Statements filed on January 3, 2006 and June 29, 2006. Furthermore, Applicant thanks the Examiner for acknowledging Applicant's claim to foreign priority and for indicating receipt of the certified copy of the priority document from the International Bureau.

#### **II. Summary of the Office Action**

Claims 10 and 11 are objected to and claims 7-11 presently stand rejected under 35 U.S.C. § 112, second paragraph.

#### **III. Claim Objections**

Claims 10 and 11 are objected to because of a minor informality. Applicant respectfully requests the Examiner to withdraw the objections to the claims 10 and 11 in view of the self-explanatory claim amendments being made herein.

IV. Claim Rejections under 35 U.S.C. § 112, second paragraph

Claims 7-11 are rejected under 35 U.S.C. § 112, second paragraph. Applicant respectfully traverses these grounds of a rejection in view of the following comments.

With respect to claim 7, the Examiner contends that in the definition of the unit of machining, as set forth in claim 7, it is unclear what spindle and what tool is being used (*see* page 2 of the Office Action). Applicant respectfully disagrees.

Original claim 7 recites: “wherein the unit of machining comprises the first machining, and in the unit of machining, a continuous machining is performed with said first main spindle, said sub-spindle and said machining tool.” That is, a machining unit is continuous machining with the same machining tool (*see e.g.*, page 11, lines 9 to 14 and page 46, lines 28 to 33). In other words, continuous machining is machining with same machining tool (performing cutting with same type of machining tool, etc) and same spindle (element holding and rotating the workpiece) for the first processing (main spindle) and with same spindle for the second processing (sub-spindle), *e.g.*, pages 46-48 of the specification. To expedite prosecution of the above-identified application, Applicant further amends claim 7 to clearly set forth that the machining tool is used along with the two spindles in the continuous machining.

In view of the above, Applicant respectfully requests the Examiner to withdraw this rejection of claim 7.

The Examiner further contends that the claim omits essential structure such as the relationship between the tool and the automatic programming device (*see* page 2 of the Office Action). Applicant respectfully requests the Examiner to withdraw this rejection in view of the self-explanatory amendment to the preamble of claim 7.

Furthermore, the Examiner contends that it is unclear what “information on a tool” stands for (see page 2 of the Office Action) and what is “process-developed machining units” (see page 3 of the Office Action). Applicant respectfully requests the Examiner to withdraw these rejections of claims 7-11 in view of the self-explanatory amendments being made herein. That is, a machining program is created based on the units of machining obtained by the dividing process, the machining tool selected for this particular machining, and the cutting conditions for this particular machining (*e.g.*, Fig. 57).

In view of the above, Applicant respectfully requests the Examiner to withdraw these rejections of claims 7-11.

V. New Claims

In order to provide more varied protection, Applicant adds claims 12 and 13. Claim 12 is patentable at least by virtue of its recitation of “determining a type of machining device controlled by a numeric controller, wherein the type of machining device comprises one of: a two-spindle machine having a first main spindle and a sub-spindle and a one-spindle machine having a second main spindle...wherein the machining program generated for the two-spindle machine is different from the machining program generated for the one-spindle machine.” Claim 13 is patentable at least by virtue of its dependency on claim 12.


VI. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Appl. No. 10/563,225  
Attorney Docket No.: Q92463

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
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Nataliya Dvorson  
Registration No. 56,616

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

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**23373**

CUSTOMER NUMBER

Date: February 5, 2007

Attorney Docket No.: Q92463